

work, the owner must then have a licensed or registered County contractor secure a permit and do the work.

**112.5 Residential work by owner.** Pursuant to Title 40, Chapter 59, Section 260 of the Code of Laws of South Carolina (1976, as amended), the following provisions shall apply to homeowners obtaining permits to perform construction-related work on their own homes:

- a) The owner shall do the construction-related work himself, with his own employees, or with county licensed or registered contractors or individuals;
- b) The structure, group of structures, or appurtenances, including the improvements, shall be intended for the owner's sole occupancy or occupancy by the owner's family, and shall not be intended for sale or rent for a minimum of two (2) years after completion or issuance of a certificate of occupancy;
- c) The term 'sale' or 'rent' includes an arrangement by which an owner received compensation in money, provisions, chattel, or labor from the occupancy, or the transfer of the property or the structures on the property;
- d) The general public shall not have access to this structure;
- e) This section does not exempt a person who is employed by the owner and who acts in the capacity of a builder of any kind;
- f) The homeowner shall personally appear and sign the building permit application and shall provide Charleston County with a disclosure statement provided by the Building Official or his designee; and
- g) The owner shall promptly file as a matter of public record a notice with the Register of Mesne Conveyance, indexed under the owner's name in the grantor's index, stating that the residential building or structure was constructed by the owner as an unlicensed builder.

### **SECTION 113 UNSAFE DWELLINGS AND EQUIPMENT**

**113.1 Authority.** The provisions of this article are adopted pursuant to "Building Code" by South Carolina State Code 1976 Title 31, Chapter 15, Article 3 In Counties and South Carolina Code Title 6, Chapter 9, Article 10.

**113.2 General.** Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this section.

**113.2.1 Investigation and filing of a complaint.** Whenever it appears to the Building Official (on his own motion) that any dwelling is unfit for human habitation, the Building Official shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and all parties in interest in such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Building Official or his designated agent at a place therein fixed not less than ten days nor more than thirty days after the serving of such complaint; that the owner and parties in

interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Building Official;

### **113.2.2 Powers of the Building Official.**

The Building Official may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others herein granted:

- (1) To investigate the dwelling conditions in the jurisdiction in order to determine which dwellings therein are unfit for human habitation;
- (2) To administer oaths and affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the purposes of this ordinances; and
- (5) To delegate any of his functions and powers to such officers and agents as he may designate.

### **113.2.3 Service of complaints or orders; posting and filing copies.**

Complaints or orders issued by the Building Official pursuant to this ordinance shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and cannot be ascertained by the Building Official in the exercise of reasonable diligence and the Building Official shall make to that effect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two consecutive weeks in a newspaper printed and published in the municipality or, in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the dwellings are located. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the clerk of the county in which the dwelling is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

### **113.2.4**

- (1) That if, after such notice and hearing, the Building Official determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order

(a) if the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling (as determined by the Building Official), requiring the owner, within the time specified in the order, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation or

(b) if the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (as determined by the Building Official), requiring the owner, within the time specified in the order, to remove or demolish such dwelling;

(4) That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Building Official may cause such dwelling to be repaired, altered or improved or to be vacated and closed; that the Building Official may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful";

(5) That, if the owner fails to comply with an order to remove or demolish the dwelling, the Building Official may cause such dwelling to be removed or demolished; and

(6) That the amount of the cost of such repairs, alterations or improvements, vacating and closing, or removal or demolition by the Building Official shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as municipal taxes.

### **113.3 Unsafe Conditions**

**113.3.1** A vacant structure that is not secured against entry is considered an unsafe structure.

**113.3.2** The building, structure or portion thereof constitutes a fire hazard having received damage by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by "this code", for new buildings.

**113.3.3** Any accessory structure and exterior appendage or portion of the building or structure, shall be maintained and kept in good repair and sound structural condition and must be securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads must meet the requirements of "this code".

**113.3.4** If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.

**113.3.5** The building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.

**113.3.6** The building, structure or portion thereof has been constructed or maintained in violation of specific requirements of “this code”.

**113.3.7** Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.

**113.3.8** The stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the stresses allowed in “this code” for new buildings.

**113.3.9** Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe.

**113.3.10** Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

**113.3.11** Every inside and outside stair, porch and any appurtenance thereof shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

#### **113.4 Minimum Standards**

**113.4.1** Every window and door shall be substantially weather-tight, watertight and rodent-proof, and shall be kept in sound working condition and good repair.

**113.4.2** All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All masonry joints shall be sufficiently tuck pointed to insure water and air tightness.

**113.4.3** Existing skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure.

**113.4.4 Every** floor, interior wall and ceiling shall be substantially rodent proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

**113.4.5 Bathroom:** Every bathroom shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilation system.

**113.4.6 Bathroom Doors:** Privacy of bathrooms shall be afforded by doors complete with privacy hardware intended by the manufacturer for that purpose.

**113.4.7 Electric Lights and Outlets:** Where there is electric service available to the building structure, every habitable room or space shall contain at least two separate and remote receptacle outlets. Bedrooms shall have, in addition, at least one wall switch controlled lighting outlet, In kitchens, two separate circuits and controlled lighting outlets shall be provided (receptacles rendered inaccessible by appliances fastened in place or by appliances occupying dedicated space shall not be considered as these required outlets) and a wall or ceiling lighting outlet controlled by a wall switch shall be provided. Every hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one ceiling-mounted or wall-mounted lighting outlet in every bathroom and laundry room there shall be provided at least one receptacle outlet. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

**113.4.8 Light On Public Halls and Stairways:** Every electrical outlet and fixture, and all electrical wiring and equipment shall be installed, maintained and connected to a source of electric power in accordance with the provisions of the electrical code of the authority having jurisdiction.

**113.4.9 Garbage Disposal:** Every owner or tenant shall dispose of all his garbage and any other organic waste which might provide food for rodents and all rubbish in a clean and sanitary manner.

## **113.5 Additional Minimum Residential Standards**

**113.5.1 General:** No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements.

**113.5.1.1 Sanitary Facilities:** Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks, and obstructions.

**113.5.1.2 Location of Sanitary Facilities:** All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user and such room shall have a minimum floor space of 30 sq. ft. (2.8m<sup>2</sup>) with no dimension less than 4 ft. (1219 mm). Bathrooms shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed area.

**113.5.1.3 Hot and Cold Water Supply:** Every dwelling unit shall have an adequate supply of both cold and hot water connected to the kitchen sink, lavatory and tub or shower. All water shall be supplied through an approved distribution system connected to a potable water supply.

**113.5.1.4 Water Heating Facilities:** Every dwelling unit shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120°F (49°C). Such water heating facilities shall be capable of meeting the requirements when the dwelling or dwelling unit heating facilities required under the provisions of "this code" are not in operation. Apartment houses may use a centralized water heating facility capable of heating an adequate amount of water as required by the International Plumbing Code® to not less than 120°F (49°C).

**113.5.1.5 Heating Facilities:** Every dwelling unit shall have permanent heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each dwelling unit shall be provided with facilities whereby heating appliances may be connected.

**113.5.1.6 Kitchen Facilities:** Every dwelling unit shall contain a kitchen equipped with the following minimum facilities:

1. Food preparation surfaces impervious to water and free of defects which could trap food or liquid.
2. Shelving, cabinets or drawers for the storage of food and cooking and eating utensils, all of which shall be maintained in good repair.
3. Freestanding or permanently installed cook stove. Portable electric cooking equipment shall not fulfill this requirement. Portable cooking equipment employing flame shall be prohibited.
4. Mechanical refrigeration equipment for the storage of perishable foodstuffs.

**Exception:** Nothing herein shall preclude a written agreement between an owner and tenant that the tenant will furnish mechanical refrigeration equipment and/or a cook stove as required in this section. It shall be an affirmative defense available to an owner charged with a violation of this section if such an agreement exists.

**113.5.1.7 Smoke Detector and/or Carbon Monoxide Systems:** Every dwelling unit shall be provided with an approved listed detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217, single and Multiple Station Smoke Detectors.

## **113.5.2 Minimum Requirements for Light and Ventilation**

**113.5.2.1 Windows:** Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 8% of the floor area of such room. Whenever wall or other portions of structures face a window of any such room and such light-obstruction structures are located less than 3 ft. (914 mm) from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room. The total window area of such skylight shall equal at least 15% of the total floor area of such room.

**Exception:** Where adequate artificial light is provided and controlled by a wall switch.

**113.5.2.2 Ventilation** The total of openable window area in every habitable space shall equal to at least 45% of the minimum window area or shall have other approved, equivalent ventilation. Year round mechanically ventilating conditioned air systems may be substituted for windows, as required herein, in rooms other than rooms used for sleeping purposes. Window type air-conditioning units are not included in this exception. Where mechanical year round ventilation is not provided screens over opening must be in good working condition. Every habitable room shall have at least one window or skylight which can be easily opened or such other device as will adequately ventilate the room.

## **113.5.3 Minimum Dwelling Space Requirements**

**113.5.3.1 Required Space in Dwelling Unit:** Every dwelling unit shall contain at least 150 sq. ft. (13.9 m<sup>2</sup>) of floor space for the first occupant thereof and at least an additional 100 sq. ft. (9.3 m<sup>2</sup>) of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

**113.5.3.2 Required Space on Sleeping Rooms:** In every dwelling unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 sq. ft. of floor

space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 sq. ft. (4.6 m<sup>2</sup>) of floor space for each occupant thereof.

**113.5.3.3 Minimum Ceiling Height:** Habitable (space) rooms other than kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than 7 ft. (2134 mm). Hallways, corridors, bathrooms, water closet rooms and kitchens shall have a ceiling height of not less than 7 ft. (2134 mm) measured to the lowest projection from the ceiling. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the room area. No portion of the room measuring less than 5 ft. (1524 mm) from the finished floor to the finished ceiling shall be included in any computation of the minimum room area.

**113.5.3.4 Occupancy of Dwelling Unit Below Grade:** No basement or cellar space shall be used as a habitable room or dwelling unit unless:

1. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness, and
2. The total window area in each room is equal to at least the minimum window area size as required and
3. Such required minimum window area is located entirely above the grade of the ground adjoining such window area, and
4. The total of openable window area in each room is equal to at least the minimum as required, except where some other device affording adequate ventilation is supplied.

#### **113.5.4 Sanitation Requirements**

**113.5.4.1 Sanitation:** Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof.

**113.5.4.2 Cleanliness:** Every tenant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies or which is provided for his particular use.

**113.5.4.3 Extermination:** Every owner of a single dwelling building and every owner of a building containing two or more dwelling units shall be responsible for the extermination of any insects, rodents, wood-destroying organisms, or other pests within the building or premises.

#### **113.5.5 Rooming Houses**

**113.5.5.1 Compliance Exceptions:** No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of "this code".

**113.5.5.2 Water Closet, Lavatory and Bath Facilities:** At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever such facilities are shared. All such facilities shall be located on the floor they serve within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.

**113.5.5.3 Water Heater Required:** Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

**113.5.5.4 Minimum Floor Area for Sleeping Purposes:** Every room occupied for sleeping purposes by one person shall contain at least 70 sq. ft. (6.5 m<sup>2</sup>) of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 50 sq. ft. (4.6 m<sup>2</sup>) of floor space for each occupant thereof.

**113.5.5.5 Exit Requirements:** Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the building code.

**113.5.5.6 Sanitary Conditions:** The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house, and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

1. The building shall be ordered repaired in accordance with "this code" or demolished in accordance with procedures as established within "this code".
2. If the building or structure poses an immediate hazard to life or to the safety of the public it shall be ordered vacated immediately.

## **SECTION 114 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**

**114.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the licensing and/or application and interpretation of this code, there shall be and is hereby created a Construction Board of Adjustment and Appeals. The Construction Board of Adjustment and Appeals shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business.

**114.1.1 Decision-Making Authority.** The Charleston County Construction Board of Adjustment and Appeals shall have final decision-making authority on the following matters:

- A. Appeals of orders, decision or determination made by the Building Official;
- B. Licensing or registration of building contractors;
- C. Adjustments and appeals for stormwater management utility fees; and
- D. Appeals and variances of floodplain management in reference to Chapter 9 of the Code of Ordinances Charleston County entitle "Flood Damage Prevention and Protection"
- E. The Charleston County Construction Board of Adjustment and Appeals ("Board") does not act in a review or recommending capacity.

**114.1.2 Officers, Rules, Meetings and Minutes.** The Charleston County Construction Board of Adjustments and Appeals shall elect one of its members as Chairperson and another as Vice-Chairperson, both who shall serve for one year or until re-election or a successor is elected and qualified. The Charleston County Construction Board of Adjustment and Appeals shall adopt rules and procedures in accordance with the provision of this Ordinance and shall keep a record of its resolutions, findings and determinations, all of which, upon approval, shall be filed immediately in the office of Building Official. Such records shall be available for public review and inspection during normal business hours. The Building Official shall be a non-voting member of the Board and shall serve as the Secretary. Meetings of the Board shall be at the